

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:)	Chapter 11
)	
CIRCUIT CITY STORES, INC., <i>et al.</i> ,)	Case No. 08-35653 (KRH)
)	
Debtors.)	Jointly Administered
)	Hearing Date: June 9, 2009 at 10:00 a.m.
)	Objection Deadline: June 4, 2009 at 4:00 p.m.

**MOTION OF LANDLORD, WASHINGTON GREEN TIC
FOR ORDER ALLOWING AND COMPELLING PAYMENT OF
ADMINISTRATIVE EXPENSE CLAIM UNDER 11 U.S.C. § 503(B) AND POST-
PETITION LEASE OBLIGATIONS UNDER 11 U.S.C. § 365(d)(3)**

Washington Green TIC ("Washington Green"), a lessor of commercial real property to the Debtors in the above-captioned Chapter 11 cases, by and through its undersigned counsel, moves the Court for entry of an order, pursuant to 11 U.S.C. § 503(b) of the United States Bankruptcy Code (the "Bankruptcy Code"), allowing Washington Green an administrative expense claim in the amount set forth below. This request relates to various post-petition obligations arising under a lease for nonresidential real property and to compensate the Claimant for the Debtors' post-petition use of its premises, which provided a direct and substantial benefit to the Debtors' bankruptcy estates. In support of this motion, the Claimant respectfully submits the following:

1. Washington Green TIC is the landlord and Circuit City Stores, Inc. is the tenant pursuant to an unexpired lease of nonresidential real property dated April 1, 1994 (the "Lease")

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for retail store space situated at Washington Green Shopping Center, Portland, OR, Store # 3323 (the "Premises").

2. On November 10, 2008 (the "Petition Date"), the Debtors filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

3. The Lease provides for the payment of base rent, CAM charges, and taxes. Annexed hereto as Exhibit "A" is a copy of the Lease. Under the terms of the Lease, the tenant is obligated to pay all of the referenced amounts.

4. The Debtors continued to operate in the Premises through the month of March 2009. The Debtors' continued use and occupancy of the Premises since the Petition Date has provided a direct and substantial benefit to the Debtors' bankruptcy estates.

5. The Debtors have failed to make payments in accordance with the Lease for November 2008, February 2009 and March 2009.

6. The Debtors effectively rejected the Lease as of March 11, 2009.

7. The pro-rated Rent and other charges from November 2008 – March 10, 2009 which have not been paid by the Debtors are as follows:

Landlord	Shopping Center	Description	Amount
Washington Green TIC	Washington Green Shopping Center	Real property taxes due 11/10/2008	\$73,593.31
Washington Green TIC	Washington Green Shopping Center	Unpaid Rent & CAM charges for 11/10/08 – 11/30/08	\$37,564.38
Washington Green TIC	Washington Green Shopping Center	Unpaid Rent and CAM charges for February 2009	\$52,732.40
Washington Green TIC	Washington Green Shopping Center	Unpaid Rent and CAM charges from 3/1/09 – 3/10/09	\$18,876.66
Washington Green TIC	Washington Green Shopping Center	Post-petition Late Charges	\$6,286.88
Washington Green TIC	Washington Green Shopping Center	TOTAL:	\$189,053.63

8. The charges arising under the Lease as set forth immediately above are the Debtors' obligation and therefore, the Debtors must promptly and fully comply with such obligations pursuant to 11 U.S.C. § 365(d)(3) and pay administrative rent in the amounts set forth in the far right column of the table immediately above.

9. Washington Green respectfully requests that the Court treat this Motion as a written memorandum of points and authorities or waive any requirement that this Motion be accompanied by a written memorandum of points and authorities as described in Local Bankruptcy Rule 9013-1(G).

WHEREFORE, Washington Green respectfully requests that the Court enter an order allowing post-petition rent as an administrative expense under Section 503 of the Bankruptcy Code and directing the Debtors to pay \$189,053.63 to Washington Green and such other and further relief to which it is justly entitled.

Respectfully submitted,

/s/ Jeremy S. Friedberg

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of April, 2009, a copy of the foregoing was served *via* first-class mail, postage prepaid, and, if the recipients are properly registered, *via* the Court's CM/ECF system, on:

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